

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,
Plaintiff,
vs.
JAMES LASLEY,
Defendant.

8:04CR129

ORDER

Defendant James Lasley (Lasley) appeared before the court on October 27, 2011, on the Amended Petition for Warrant or Summons for Offender Under Supervision (Filing No. 59). Lasley was represented by Assistant Federal Public Defender Karen M. Shanahan and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, Lasley requested a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). The hearing was continued to November 2, 2011.

Lasley again appeared before the court on November 2, 2011, with his counsel, AFPD Shanahan and the United States was represented by AUSA Norris. The court heard the testimony of Supervisory U.S. Probation Officer Michael Norton and Lisa Lyons. The court also received into evidence a Victim Impact Statement (Exhibit 101) and two substance abuse progress reports (Exhibits 102 and 103). While Ms. Lyons disclaimed any assault by Lasley on September 19, 2011, the court finds persuasive the reports of the police officers investigating the complaint by Ms. Lyons on September 19, 2011. The court finds there is probable cause to believe the violations have occurred and Lasley has violated the conditions of his supervised release as alleged, and Lasley should be held to answer for a final dispositional hearing before Chief Judge Bataillon.

The government moved for detention. It is Lasley's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, I find he has failed to do so. Lasley should be detained pending a dispositional hearing before Chief Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:30 p.m. on January 5, 2012**. Defendant must be present in person.
2. Defendant James Lasley is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility.
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel.
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 3rd day of November, 2011.

BY THE COURT:
s/ Thomas D. Thalken
United States Magistrate Judge